

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRING DIVISION

OMAR HAKEEM ALI

PLAINTIFF

v.

Civil No. 6:17-cv-06093

DEPUTY JOSH MILNER,
Hot Spring County Jail;
DEPUTY THOMAS,
Hot Spring County Jail; and
DEPUTY KELLOGE,
Hot Spring County Jail

DEFENDANTS

ORDER

This is a civil rights action filed by the Plaintiff, Omar Hakeem Ali, pursuant to 42 U.S.C. § 1983. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (ECF No. 19). Before the Court is Plaintiff's Motion to Dismiss. (ECF No. 20).

Plaintiff originally filed this case *pro se* in the Eastern District of Arkansas. (ECF No 2). The case was transferred to the Western District, Hot Springs Division, on September 12, 2017. (ECF No. 4). On September 14, 2017, this Court entered an order directing Plaintiff to file an Amended Complaint because his original complaint was not submitted on the Court's approved form. (ECF No. 6). On October 4, 2017, Plaintiff filed his Amended Complaint. (ECF No. 7). Plaintiff's application to proceed *in forma pauperis* was granted on November 2, 2017. (ECF No. 9). That same day, the Court ordered service on Defendants Deputy Josh Milner, Deputy Thomas, and Deputy Kelloge. (ECF No. 10). Defendants filed their Answer on December 22, 2017. (ECF No. 16).

On February 2, 2018, Plaintiff filed a Motion to Dismiss his Complaint without prejudice. Plaintiff states he wants the opportunity to retain ‘his very own private counsel’ at a later date, and he has “commenced a State Court Remedy” he wishes to pursue at this time. (ECF No. 20).

The Federal Rules of Civil Procedure provide an avenue for parties to voluntarily dismiss claims without prejudice. *See* Fed. R. Civ. P. 41. Counsel for Defendants has advised the Court that they do not object to Plaintiff’s motion. Accordingly, Plaintiff’s Motion to Dismiss (ECF No. 20) is **GRANTED**. The Complaint is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41 (a)(2).

IT IS SO ORDERED this 9th day of February 2018.

/s/ *Mark E. Ford*

HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE